

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 97-3643

Eddie Keeper,

Appellant,

v.

United States of America,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: June 26, 2000

Filed: July 3, 2000

Before McMILLIAN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

The district court dismissed appellant's 28 U.S.C. § 2255 motion as abusive. The government concedes that appellant did not file the prior § 2255 motion that was lodged under his name. Therefore, the dismissed motion was actually appellant's first § 2255 motion. Accordingly, we remand the case to the district court for review of the claims on the merits and deny the pending motions as moot.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.